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EXAMINER

DOAN, TRANG T

ART UNIT

PAPER NUMBER

2131

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/08/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/08/2007.

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Office Action Summary	Application No.		Applicant(s)	
	09/994,919		KEECH, WINSTON DONALD	
	Examiner		Art Unit	
	Trang Doan		2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 11/10/2006.
2. Claims 2, 13 and 18 are canceled. Claims 1, 12, 16-17, 19 and 15 are amended.
Claims 1, 3-12, 14-17 and 19-27 are pending in this application.

Response to Arguments

3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a pseudo-random security string being displayed to the first user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Objections

5. Claims 9, 11 and 15 objected to because of the following informalities: claim 2, 13 and 18 are canceled, claims 9, 11 and 15 need to change their dependency.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

Art Unit: 2131

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 9-10, 12, 15-17 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit et al. (US Patent 6625734) (hereinafter Marvit) in view of Patterson (US Patent 6389541) (hereinafter Patterson), and further in view of Covert (US 5177789) (hereinafter Covert).

Regarding to claim 1, Marvit teaches a method of transferring a data file having a file name from a first computer operated by a first user to a second computer operated by a second user, under control of a third computer, comprising the steps of:

i) in the first computer, the first user selecting a data file for transfer and establishing a communications link with the third computer (Marvit: see figure 1, column 4 lines 10-26);

ii) verifying an identity of the first user to the third computer by way of verification communications between the first and third computers (Marvit: see figure 1, column 5 lines 16-35);

iv) transmitting the file name of the data file from the first computer to the third computer, together with first user identification information and the unique key code (Marvit: column 4 lines 38-47 and column 5 lines 35-42);

Art Unit: 2131

vi) verifying an identity of the second user to the third computer by way of verification communications between the second and third computers (Marvit: see figure 1, column 5 lines 22-35);

vii) upon successful verification of the identity of the second user, transmitting the file name of the data file from the second computer to the third computer with a request for the unique key code (Marvit: see figure 1, column 5 lines 57-67 and column 6 lines 1-4); and

iii) Marvit teaches in the first computer encrypting the data file and transmitting the encrypted data file directly to the second computer with user identification information and the file name of the data file (Marvit: see figure 1, column 5 lines 22-27 and lines 35-56);

v) Marvit teaches in the second computer, upon receipt of the wrapped or encrypted data file and upon attempted access thereto by the second user, establishing a communications link with the third computer (Marvit: see figure 1, column 5 lines 22-35 and lines 57-67 and column 6 lines 1-4);

viii) Marvit teaches transmitting the unique key code from the third computer to the second computer to unwrap or decrypt the data file and to allow access thereto in the second computer by the second user (Marvit: column 5 lines 57-67 and column 6 lines 1-4).

Marvit does not explicitly disclose the unique key code causes the executable file to unwrap or decrypt the data file. However, Patterson teaches the unique key code causes the executable file to unwrap or decrypt the data file (Patterson: column 8 lines

Art Unit: 2131

7-19 and lines 49-67 and column 9 lines 1-8). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Patterson as stated above with the secure file transfer method and system of Marvit for wrapping the data file within the executable file because multimedia files may require significant time to download from the server on which they reside, due to the large size of the files and limited bandwidth of the network over which they must be sent. Thus, browsing the Web in real-time for viewing of digital content such as newspapers and movies may not be desirable or practical for many users. An alternative method is to package the content in a compressed, encrypted, self-extracting format and deliver it to the user's computer, and after the user has paid for the object, to allow access to the content at the user's computer (Patterson: column 8 lines 7-19).

Marvit in view of Patterson does not explicitly disclose wherein the identity of the first user is verified by the way of: a pseudo-random security string being displayed to the first user; the first user applying a first user mask code to the pseudo-random security string in the first computer so as to generate a first user volatile identification code, and the first user transmitting the first user volatile identification code to the third computer and the third computer comparing the first user volatile identification code with a first check volatile identification code obtained by applying the first user mask code to the pseudo-random string in the third computer, identity verification taking place when identification code and the first check volatile identification codes are found to match each other. Covert teaches that limitation (Covert: see figures [5, 6] and column 5 lines 15-46). Therefore, it would have been obvious to one of ordinary skill in the art at the

Art Unit: 2131

time the invention to apply the teaching of Covert to the system of Marvit in view of Patterson because it would provide the benefit of using a computer security device and method in which both an encrypted password and an encrypted time-related code are required for access to a computer system, wherein the information is generated employing a small, easily carried, simple and inexpensive device (Covert: column 2 lines 10-14).

Regarding to claim 9, Marvit in view of Patterson does not explicitly disclose:

- i) the pseudo-random string comprises a first linear array of characters, each character having a given numerical position in the first array (first, second, third etc.);
- ii) the mask code comprises a second linear array of numbers, each number having a given numerical position in the second array (first, second, third etc.); and
- iii) the volatile identification code is generated by applying the mask code to the pseudo-random string so as sequentially to select numerical positions in the first array on the basis of the numbers in the second array, taken in positional order, and to return the characters thereby selected from the first array in sequence so as to form a third linear array, this third linear array forming the volatile identification code.

However, Covert teaches that limitation (Covert: see figures [5, 6] and column 5 lines 15-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to apply the teaching of Covert to the system of Marvit in view of Patterson because it would provide the benefit of using a computer security device and method in which both an encrypted password and an encrypted time-related code are required for access to a computer system, wherein the information is generated

Art Unit: 2131

employing a small, easily carried, simple and inexpensive device (Covert: column 2 lines 10-14).

Regarding to claim 15, the rejection of claim 13 is incorporated and further this claim has limitation that is similar to those of claim 9, thus it is rejected with the same rationale applied against claim 9 above.

Regarding to claim 25, the rejection of claim 18 is incorporated and further this claim has limitation that is similar to those of claim 9, thus it is rejected with the same rationale applied against claim 9 above.

Regarding to claim 10, Marvit further teaches wherein the third computer maintains a record of transactions between the first, second and third computers so as to permit an audit trail to be established (Marvit: column 3 lines 11-56).

Regarding to claim 12, this claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

Regarding to claim 16, this claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

Regarding to claim 17, this claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

Regarding to claim 26, the rejection of claim 17 is incorporated and further this claim has limitation that is similar to those of claim 10, thus it is rejected with the same rationale applied against claim 10 above.

Art Unit: 2131

8. Claims 3-7, 11, 19-23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit in view of Patterson in view of Covert, and further in view of Goldfine et al (US Patent 5343529) (hereinafter Goldfine).

Regarding to claim 3, Marvit in view of Patterson in view of Covert does not explicitly teach wherein the identity of the second user is verified in step vi) above by way of the second user applying a second user mask code to a first pseudo-random security string in the second computer so as to generate a second user volatile identification code, the second user transmitting the second user volatile identification code to the third computer and the third computer comparing the second user volatile identification code with a second check volatile identification code obtained by applying the second user mask code to a second pseudo-random string in the third computer, identity verification taking place when the second user volatile identification code and the second check volatile identification codes are found to match each other.

However, Goldfine teaches wherein the identity of the second user is verified in step vi) above by way of the second user applying a second user mask code to a first pseudo-random security string in the second computer so as to generate a second user volatile identification code, the second user transmitting the second user volatile identification code to the third computer and the third computer comparing the second user volatile identification code with a second check volatile identification code obtained by applying the second user mask code to a second pseudo-random string in the third computer, identity verification taking place when the second user volatile identification

Art Unit: 2131

code and the second check volatile identification codes are found to match each other (Goldfine: column 4 lines 25-53).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Goldfine as stated above with the secure file transfer method and system and the method of regulating access to digital content of Marvit in view of Patterson in view of Covert for verifying user's identity by applying a mask code to a pseudo-random security string to generate a volatile identification code because hackers seeking access to telecommunication and computer networks program their computers to try thousands of access codes in an attempt to find one that works. Once a successful code is found, the hacker can gain network access. Similar problems will exist for emerging interactive television services, such as entertainment and home shopping. Authentication techniques that use repeatedly transmitted access codes are susceptible to various sophisticated attacks. Some technique is needed to keep the attackers off balance (Goldfine: column 1 lines 64-67 and column 2 lines 1-5).

Regarding to claim 4, Marvit in view of Patterson in view of Covert does not explicitly disclose wherein the first pseudo-random security string and the second pseudo-random security string are the same.

However, Goldfine teaches wherein the first pseudo-random security string and the second pseudo-random security string are the same (Goldfine: see figure 2, column 6 lines 29-55).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Goldfine as stated above with the secure file

Art Unit: 2131

transfer method and system and the method of regulating access to digital content of Marvit in view Patterson in view of Covert for verifying user's identity wherein the first pseudo-random security string and the second pseudo-random security string are the same because using the first and second string to produce an authentication code which authenticates a transaction request in order to permit progress of a transaction based on a match (Goldfine: column 1 lines 9-11).

Regarding to claim 5, Marvit in view of Patterson in view of Covert does not explicitly disclose wherein the pseudo-random string is generated by the third computer and transmitted firstly to the first computer and then from the first computer to the second computer.

However, Goldfine teaches wherein the pseudo-random string is generated by the third computer and transmitted firstly to the first computer and then from the first computer to the second computer (Goldfine: see figure 2, column 4 lines 25-53).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Goldfine as stated above with the secure file transfer method and system and the method of regulating access to digital content of Marvit in view Patterson in view of Covert for verifying user's identity by sending the pseudo-random string from the third computer to the first and from first to the second because hackers seeking access to telecommunication and computer networks program their computers to try thousands of access codes in an attempt to find one that works. Once a successful code is found, the hacker can gain network access. Similar problems will exist for emerging interactive television services, such as entertainment

Art Unit: 2131

and home shopping. Authentication techniques that use repeatedly transmitted access codes are susceptible to various sophisticated attacks. Some technique is needed to keep the attackers off balance (Goldfine: column 1 lines 64-67 and column 2 lines 1-5).

Regarding to claim 6, Marvit in view of Patterson in view of Covert does not explicitly disclose wherein the pseudo-random string is generated by the third computer and transmitted firstly to the first computer and then from the third computer to the second computer.

However, Goldfine teaches wherein the pseudo-random string is generated by the third computer and transmitted firstly to the first computer and then from the third computer to the second computer (Goldfine: see figure 2, column 6 lines 29-68 and column 7 lines 1-23).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Goldfine as stated above with the secure file transfer method and system and the method of regulating access to digital content of Marvit in view Patterson in view of Covert for verifying user's identity wherein the pseudo-random string is generated by the third computer and transmitted firstly to the first computer and then from the third computer to the second computer because hackers seeking access to telecommunication and computer networks program their computers to try thousands of access codes in an attempt to find one that works. Once a successful code is found, the hacker can gain network access. Similar problems will exist for emerging interactive television services, such as entertainment and home shopping. Authentication techniques that use repeatedly transmitted access codes are

Art Unit: 2131

susceptible to various sophisticated attacks. Some technique is needed to keep the attackers off balance (Goldfine: column 1 lines 64-67 and column 2 lines 1-5).

Regarding to claim 7, Marvit in view Patterson in view of Covert does not explicitly disclose wherein the first pseudo-random security string and the second pseudo-random security string are different.

However, Goldfine teaches wherein the first pseudo-random security string and the second pseudo-random security string are different (Goldfine: column 6 lines 29-68 and column 7 lines 1-23).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Goldfine as stated above with the secure file transfer method and system and the method of regulating access to digital content of Marvit in view Patterson in view of Covert for verifying user's identity wherein the first pseudo-random security string and the second pseudo-random security string are different because hackers seeking access to telecommunication and computer networks program their computers to try thousands of access codes in an attempt to find one that works. Once a successful code is found, the hacker can gain network access. Similar problems will exist for emerging interactive television services, such as entertainment and home shopping. Authentication techniques that use repeatedly transmitted access codes are susceptible to various sophisticated attacks. Some technique is needed to keep the attackers off balance (Goldfine: column 1 lines 64-67 and column 2 lines 1-5).

Regarding to claim 11, Marvit in view of Patterson in view of Covert teaches wherein the first and/or second user volatile identification codes are stored as digital

signatures in the third computer in combination with the associated pseudo-random security string (Marvit: column 17 lines 42-59).

Regarding to claim 19, the rejection of claim 18 is incorporated and further this claim has limitation that is similar to those of claim 3, thus it is rejected with the same rationale applied against claim 3 above.

Regarding to claim 20, the rejection of claim 19 is incorporated and further this claim has limitation that is similar to those of claim 4, thus it is rejected with the same rationale applied against claim 4 above.

Regarding to claim 21, the rejection of claim 20 is incorporated and further this claim has limitation that is similar to those of claim 5, thus it is rejected with the same rationale applied against claim 5 above.

Regarding to claim 22, the rejection of claim 20 is incorporated and further this claim has limitation that is similar to those of claim 6, thus it is rejected with the same rationale applied against claim 6 above.

Regarding to claim 23, the rejection of claim 19 is incorporated and further this claim has limitation that is similar to those of claim 7, thus it is rejected with the same rationale applied against claim 7 above.

Regarding to claim 27, the rejection of claim 18 is incorporated and further this claim has limitation that is similar to those of claim 11, thus it is rejected with the same rationale applied against claim 11 above.

9. Claims 8, 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marvit in view of Patterson in view Covert, and further in view of Wilfong U.S. Patent 5754652 (hereinafter Wilfong).

Regarding to claim 8, Marvit in view of Patterson in view of Covert does not explicitly disclose:

i) said secure user code entry interface contains at least one active display for entry of at least one digit of said user mask code by the user; wherein said active display illuminates or highlights at least one display digit within said active display and said user enters said at least one digit of said user mask code by a response through an input device at a response time when said at least one display digit which corresponds with said at least one digit of said user mask code is illuminated or highlighted in said active display; and

ii) a random run on time is added to said response time to extend said at least one active display.

However, Wilfong teaches i) said secure user code entry interface contains at least one active display for entry of at least one digit of said user mask code by the user; wherein said active display illuminates or highlights at least one display digit within said active display and said user enters said at least one digit of said user mask code by a response through an input device at a response time when said at least one display digit which corresponds with said at least one digit of said user mask code is illuminated or highlighted in said active display (Wilfong: column 2 lines 28-41); and ii) a

Art Unit: 2131

random run on time is added to said response time to extend said at least one active display (Wilfong: column 2 lines 28-41).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Wilfong as stated above with the secure file transfer method and system and the method of regulating access to digital content of Marvit in view Patterson in view of Covert for verifying user's identity by using an active display to capture the PIN number of user at a response time because the system prompts are made in such a way as not to be observable by bystanders (Wilfong: column 2 lines 32-34).

Regarding to claim 14, the rejection of claim 12 is incorporated and further this claim has limitations that is similar to those of claim 8, thus it is rejected with the same rationale applied against claim 8 above.

Regarding to claim 24, the rejection of claim 17 is incorporated and further this claim has limitations that is similar to those of claim 8, thus it is rejected with the same rationale applied against claim 8 above.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2131

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2131


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang Doan whose telephone number is (571) 272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Trang Doan
Examiner
Art Unit 2131

T.D.
02/05/2007


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